

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



07 633452

Docket No. P31 8756

Applicants or Patentees: RICHARD H. TULLIS

Filed or Issued: Herewith

For: OLIGONUCLEOTIDE THERAPEUTIC AGENT AND METHOD OF MAKING SAME

Name of Concern: MOLECULAR BIOSYSTEMS, INC.  
Address of Concern: 10030 Barnes Canyon Road  
San Diego, California 92121

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C))

SMALL BUSINESS CONCERN

---

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled OLIGONUCLEOTIDE THERAPEUTIC AGENT AND METHOD OF MAKING SAME by RICHARD H. TULLIS as described in

☒ the specification filed herewith  
☐ application filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME:

ADDRESS:

☐ INDIVIDUAL  
☐ SMALL BUSINESS CONCERN  
☐ NONPROFIT ORGANIZATION

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

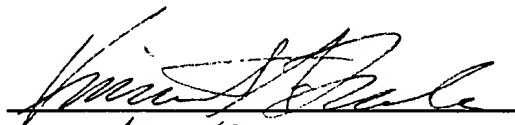
☐ INDIVIDUAL  
☐ SMALL BUSINESS CONCERN  
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Vincent A. Frank  
TITLE IN ORGANIZATION: President  
ADDRESS OF PERSON SIGNING: 10030 Barnes Canyon Road  
San Diego, California 92121

SIGNATURE:



DATE:

12/20/90

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I her by declare:  
that my residenc , post office address and citizenship  
are as stated below next to my name; that I verily believe I  
am the original, first and sole inventor (if only one name  
is listed below) or a joint inventor (if plural inventors  
are named below) of the invention entitled:

OLIGONUCLEOTIDE THERAPEUTIC AGENT AND  
METHODS OF MAKING SAME

described and claimed in the attached specification; that I  
do not know and do not believe the same was ever known or used  
in the United States of America before my or our invention  
thereof; that to the best of my knowledge and belief the invention  
has not been in public use or on sale in the United States of  
America more than one year prior to this application, or patented  
or described in any printed publication in any country before my  
or our invention thereof or more than one year prior to this  
application, or patented or made the subject of an inventor's  
certificate in any country foreign to the United States of  
America prior to the date of this application on an application  
filed by me or my legal representatives or assigns more than  
twelve months prior to this application; that I acknowledge my  
duty to disclose information of which I am aware which is material  
to the examination of this application; and that no application  
for patent or inventor's certificate on this invention has been  
filed in any country foreign to the United States of America by  
me or my legal representatives or assigns.

I hereby appoint the following attorneys to prosecute  
this application and to transact all business in the Patent

and Trademark Office connected therewith:

GILBERT G. KOVELMAN Registration No. 19,552, NOEL F. HEAL,  
Registration No. 26,074, and WILLIAM M. SMITH, Registration  
No. 30,223. Direct all telephone calls to WILLIAM M. SMITH  
at telephone No. (213) 380-6800.

Address all correspondence to:

FULWIDER, PATTON, RIEBER, LEE & UTECHT  
3435 Wilshire Boulevard  
Suite 2400  
Los Angeles, California 90010

I, being hereby warned that willful false statements  
and the like so made are punishable by fine or imprisonment,  
or both, under Section 1001 of Title 18 of the United States  
Code and may jeopardize the validity of the application or any  
patent issuing thereon, declare that all statements made herein  
of my own knowledge are true and that all statements made on  
information and belief are believed to be true.

401<sup>00</sup>  
Full name of sole or first Inventor \_\_\_\_\_

RICHARD H. TULLIS

Inventor's signature \_\_\_\_\_

Date: 10/9/1981

Residence La Jolla, California CA

Citizenship United States of America

Post Office Address 741 Arenas Street

La Jolla, California 92037

MARCH 23, 1982

RECEIVED

EJH  
P.22178

TO: FULWIDER, PATTON, RIEBER, LEE & UTECHT  
3435 WILSHIRE BLVD., STE. 2400  
LOS ANGELES, CA 90010

APR 5 1982

FULWIDER, PATTON, RIEBER, LEE & UTECHT

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW. A DIGEST OF THE DOCUMENT HAS ALSO BEEN MADE AND APPEARS IN THE OFFICE'S RECORDS AS SHOWN:

ASSIGNOR: 001 TULLIS, RICHARD H.

DOC DATE: 10/09/81

RECORDATION DATE: 10/23/81 NUMBER OF PAGES 003 REEL/FRAME 3941/0775

DIGEST: ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE: 501 KENDREW BIOSYSTEMS, INC. 11180 ROSELLE ST., STE. A, SAN DIEGO, CA 92121 A CORP. OF DE

SERIAL NUMBER 6-314124 FILING DATE 10/23/81  
PATENT NUMBER ISSUE DATE 00/00/00

TITLE OF INVENTION: OLIGONUCLEOTIDE THERAPEUTIC AGENT AND METHODS OF MAKING SAME

INVENTOR: 001 TULLIS,

A S S I G N M E N T

This Assignment made on *October 9*, 1981, by Richard H. Tullis, of La Jolla, California, to Kendrew Biosystems, Inc., a Delaware corporation, Assignee, having a place of business at 11180 Roselle Street, Suite A, San Diego, California 92121.

WHEREAS, Assignor has invented new and useful OLIGONUCLEOTIDE THERAPEUTIC AGENT AND METHODS OF MAKING SAME for which an application for United States Letters Patent has been executed by him this day; and

WHEREAS, Assignor believes himself to be the original, first and sole inventor of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

REEL 384 | FRAME 773

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in



the name of the Assignee.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application and any Letters Patent granted for said invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

REEL 394 | FRAME 776

IN WITNESS WHEREOF, Assignor has executed this

Assignment on the date first above written.

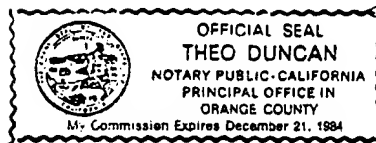
Assignor

Richard H. Tullis  
Richard H. Tullis

STATE OF CALIFORNIA       )  
                                  ) ss  
COUNTY OF San Diego       )

On this 9th day of October, in the year of 1981,  
before me personally appeared Richard H. Tullis, known to me to  
be the person whose name is subscribed to the within instrument,  
and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year in this certificate  
first above written.



Theo Duncan  
Notary Public in and for Said  
110 County and State

REEL 394 | FRAME 777

FEBRUARY 22, 1983

TO: FULWIDER, PATTON, RIEBER, LEE & UTECHT  
3435 WILSHIRE BLVD., STE. 2400  
LOS ANGELES, CA 90010

R

RECEIVED

MAR 1 1983

FULWIDER, PATTON, RIEBER, LEE & UTECHT

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW. A DIGEST OF THE DOCUMENT HAS ALSO BEEN MADE AND APPEARS IN THE OFFICE'S RECORDS AS SHOWN:

ASSIGNOR: 001 KENDREW BIOSYSTEMS, INC.

DOC DATE: 09/28/82

RECORDATION DATE: 01/17/83 NUMBER OF PAGES 003 REEL/FRAME 4079/0445

DIGEST: CHANGE OF NAME - ADDITIONAL PROPERTIES MAY SUBSEQUENTLY BE INDEXED AGAINST THE ORIGINAL DOCUMENT. THE PAPER REQUESTING SUCH INDEXING MUST ADEQUATELY IDENTIFY ALL SUCH PROPERTIES AND MUST INDICATE THE REEL AND FRAME NUMBER ON WHICH THE ORIGINAL DOCUMENT IS RECORDED.  
EFFECTIVE APRIL 2, 1982.

ASSIGNEE: 501 MOLECULAR BIOSYSTEMS, INC.

SERIAL NUMBER 6-262246 FILING DATE 03/10/81  
PATENT NUMBER ISSUE DATE 00/00/00

TITLE OF INVENTION: METHOD AND APPARATUS FOR GENERATION AND CONTROL OF MAGNETIC FORCE

INVENTOR: 001 KALDIRIM,

SERIAL NUMBER 6-314124 FILING DATE 10/23/81  
PATENT NUMBER ISSUE DATE 00/00/00

TITLE OF INVENTION: OLIGONUCLEOTIDE THERAPEUTIC AGENT AND METHODS OF MAKING SAME

INVENTOR: 001 TULLIS,

NAME CHG. TO: MOLECULAR BIOSYSTEMS, INC.

DO NOT WRITE IN THIS SPACE

980936

FILED

In the office of the Secretary of State  
of the State of California

APR 2 1982

MARCH FONG EU, Secretary of State

By R. J. [Signature]  
Deputy

A246895

**Amended**  
**Statement and Designation by Foreign Corporation**

MOLECULAR BIOSYSTEMS, INC. a corporation  
organized and existing under the laws of Delaware  
and which is presently qualified for the  
transaction of intrastate business in the State of California, makes the following statements and/or  
designation:

1. That the name of the corporation has been changed to that hereinabove set forth and that the name  
relinquished at the time of such change was \_\_\_\_\_

KENDREW BIOSYSTEMS, INC.

2. That the location and address of its principal executive office has been changed and the new location  
and address of its principal executive office is \_\_\_\_\_

No change

(Insert complete address of principal executive office wherever located—Do not use post office box)

3. That the location and address of its principal office in the State of California has been changed to \_\_\_\_\_

No change

(Insert complete address of principal office in California—Do not use post office box)

4. The address of the individual agent designated for the service of process in the State of California has  
been changed to \_\_\_\_\_

No change

(Do not use post office box)

5. (Use this paragraph if the new process agent designated hereby is a natural person.)

\_\_\_\_\_ a natural person residing in  
the State of California, whose complete ☐ business ☐ residence address is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Do not use post office box)

is hereby designated as its new agent upon whom process directed to the corporation may be served within  
the State of California, in the manner provided by law.

(Note: Either the business address or the residence address must be given. Indicate which by check mark in proper box.)

6. (Use this paragraph if the new process agent designated hereby is a corporation. See instructions.)

The name of its new agent upon whom process directed to the undersigned may be served within the  
State of California is \_\_\_\_\_

A certificate in compliance with Section 1505 of the California Corporations Code has been filed by said  
corporate agent.

MOLECULAR BIOSYSTEMS, INC.

(Name of Corporation)

By

Kenneth J. Winder (Title) President

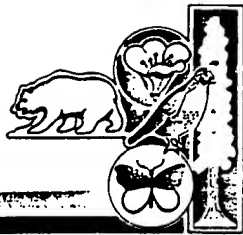
#### INSTRUCTIONS

1. This form is for use by a foreign corporation. Included in the definition "foreign corporation" is a  
"foreign association" which is defined as "a business association organized as a trust under the laws of a  
foreign jurisdiction."

2. Use only whichever of the foregoing paragraphs of this Amended Statement are applicable.

3. If this Amended Statement shows a change of corporate name, there must be attached to this  
Amended Statement a certificate of the public officer having custody of the original corporation  
documents in the state or place of incorporation to the effect that such change of name was made in  
accordance with the laws of the state or place of incorporation. In the case of a change of name by a  
foreign association there must be attached to this amended statement an officers' certificate stating that  
such change of name was made in accordance with its declaration of trust.

(CALIF. - 1320)



State  
of  
California

OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute  
this certificate and affix the Great  
Seal of the State of California this

SEP 28 1982



RECORDED  
PATENT & TRADEMARK OFFICE

JAN 17 1983

*March Fong Eu*

Secretary of State

*Edward J. McLaughlin*  
COMMISSIONER OF PATENTS  
AND TRADEMARK